THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-11-2005

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WRIT PETITION No.24311 of 2005

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Between:

S.Vijaya Sena Reddy and another . . .Petitioners

And

The Govt. of A.P., Hyderabad and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.24311 of 2005

O R D E R:

The petitioners were appointed as Secondary Grade Teachers in Bharath Abhudaya High School, Ziaguda, Hyderabad, the fifth respondent herein. The school was admitted to grant-in-aid and as many as six posts of School Assistants were covered by the grant, by 1982. Inasmuch as certain additional sections were sanctioned in classes 8th, 9th and 10th during the years 1987 to

1990, the workload in the school had increased. Therefore, the Management approached the Government for admission of three more posts of School Assistants into grant-in-aid. Through his proceedings, dated 27-10-1993, the second respondent accorded approval for admitting three posts of School Assistants into grant-in-aid. He has also directed that the three posts be allocated for the subjects of Mathematics, Natural Sciences and Social Studies.

The School Management submitted proposals for absorption of the sixth respondent against the vacancy of School Assistant earmarked for Social Studies, by stating that she has been taking classes in English for the past nine years. The request was considered and permission was accorded for absorption of the sixth respondent as School Assistant, with effect from 1987.

The petitioners were promoted as School Assistants on 29-05-1993 in pursuance of the proceedings of the second respondent, dated 23-08-1993, in the subjects of Mathematics and Natural Sciences. Their grievance is that the management was not justified in submitting the proposal for admission of another post of School Assistant in Social Studies into grant-in-aid, since three posts of School Assistants in that subject were already covered by aid. They also contended that the sixth respondent was junior to them. Reference is made to the earlier round of litigation undertaken by the petitioners.

Heard the learned counsel for the petitioners and learned Government Pleader for School Education.

The petitioners feel aggrieved by the sanction of one post of School Assistant for Social Studies, in the fifth respondent school, way back in the year 1993. It needs to be observed that basically, it is for the Management of the school and the Government to examine as to whether there exists any necessity for creation of posts in the respective subjects as well as the necessity to admit them into grant-in-aid. The teachers working in the institution do not have much of say in the matter, unless their claims have been overlooked unlawfully. On a consideration of the proposal submitted by the fifth respondent, the second respondent sanctioned three posts of School Assistants, one each for the subjects of Mathematics, Natural Sciences and Social Studies. Neither the petitioners can canvass the wisdom of the management in seeking such

approval nor can this Court examine the justification for that, as an appellate authority. At any rate, the petitioners cannot be said to have suffered any genuine grievance in view of the fact that both of them were appointed against the posts of School Assistants, which were admitted to grant-in-aid through the said proceedings.

The second respondent took into account the circumstances explained by the fifth respondent in relation to the service rendered by the sixth respondent. The question of seniority would arise, if only the concerned incumbents belong to the same discipline. When the discipline of the petitioners on the one hand and that of the sixth respondent on the other, are totally different from each other, the question of there being any comparison of seniority among them in the limited context of appointment to those posts does not arise. The channel of appointment or absorption of the petitioners and the sixth respondent are different. Therefore, this Court does not find any basis to interfere with the orders, dated 27-10-1993, that too, at this stage.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

28th NOVEMBER, 2005.

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